

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: } CHAPTER 13
REGINALD JAMES BARTHOLOMEW }
DEBTOR(S) } CASE NO. A20-72977-PWB
 } JUDGE BONAPFEL

**MOTION TO CONVERT THIS CASE TO ONE
UNDER CHAPTER 7**

COMES NOW K. EDWARD SAFIR, TRUSTEE in the above-referenced matter, and files this Motion to Convert this Case to One Under Chapter 7. The Trustee respectfully shows the Court as follows:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on December 26, 2020. The plan was confirmed by the Court on August 26, 2021. The Debtor's plan provides secured, priority and general unsecured creditors a zero percent (0%) dividend.

2.

The Debtor's mortgage holder, Rushmore Loan Management Services, LLC, filed a motion for relief from the automatic stay on December 22, 2022, alleging a default in the payment of post-petition mortgage payments. A hearing on the motion was held on January 18, 2023. The Debtor's counsel announced at the call of the calendar no opposition to Rushmore Loan Management Services, LLC motion for relief.

3.

Rushmore Loan Management Services, LLC's Motion reflects upon information and belief the current value of real property located at 800 Maple Woods Circle, Pensacola, Florida a/k/a 888 Maple Woods Circle, Pensacola, Florida as \$204,791.00 with an unpaid principal balance of approximately \$114,962.95, thus showing significant equity in this property. The Debtor has scheduled claims in the Chapter 13 case by secured creditors with an approximate balance of \$12,521.23. The equity in said property appears to be sufficient to pay a substantial dividend to secured creditors and for the Debtor to retain his exemption.

4.

Due to the apparent equity in real property, conversion of this case to Chapter 7 pursuant to 11 U.S.C. Section 1307(c)(5) would be in the best interest of the estate given that the Debtor's proposed plan fails to comply with 11 U.S.C. Section 1325(a)(4).

5.

The Trustee respectfully prays that the Court waive the filing fee for the filing of this Motion; or, in the alternative, that the Court defer the payment of said fee until such time as this Motion is granted and if there are funds available in the case at that time.

WHEREFORE, the Chapter 13 Trustee prays that this Chapter 13 case be converted to one under Chapter 7 pursuant to 11 U.S.C. Section 1307(c)(5) to allow a Chapter 7 Trustee to liquidate the subject property and to pay all creditors with a filed and allowed claim; or, for other such relief that may be just and proper.

Respectfully submitted,

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
Georgia Bar Number 423627
285 Peachtree Center Ave., N.E.,
Suite 1600
Atlanta, Georgia 30303
(404) 525-1110
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 } JUDGE BONAPFEL

**NOTICE OF HEARING ON TRUSTEE'S MOTION TO CONVERT CASE TO ONE
UNDER CHAPTER 7**

PLEASE TAKE NOTE that the Chapter 13 Trustee has filed a Motion to Convert this case to one under Chapter 7 and related papers with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the motion at the following number: **toll-free number: (833) 568-8864; meeting ID 1617943084, at 10:00 A.M. on March 1, 2023 in Courtroom 1401, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303.**

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov, for more information.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating

when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. **The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, 75 Ted Turner Drive, SW, Suite 1340, Atlanta, GA, 30303.** You must also mail a copy of your response to the undersigned at the address stated below.

Dated: January 24, 2023

Respectfully submitted,

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
Georgia Bar Number 423627
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A22-56128-PWB

CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

Reginald James Bartholomew
1803 Tree Ridge Parkway
Alpharetta, GA 30022

ATTORNEY(S) FOR MOVANT:

Ryan Starks
Attorney for Creditor
Brock & Scott, PLLC
8757 Red Oak Boulevard, Suite 150
Charlotte, NC 28217

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

CHRIS CAROUTHERS & ASSOCIATES

This 24th day of January, 2023

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
Georgia Bar Number 423627
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